IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 33232 of 1997

DATED: 26.12.2005

Between:

Abdul Hameed petitioner

And

The Regional Manager, APSRTC

Nalgonda, Nalgonda district Respondent

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 33232 OF 1997

ORAL ORDER:

The present writ petition is filed questioning the proceedings of the Regional Manager dated 14.5.1995.

The admitted facts are that the petitioner, a driver working with the respondent corporation met with an accident while operating Bus bearing No. AP9Z 5351 resulting in two casualties and causing injuries to others. Hence, he was issued with a charge sheet and suspended vide proceedings dated 22.7.1993. Having not satisfied with the explanation, the Depot Manager passed removal order dated 13.3.1994. The appeal filed against the removal order was rejected vide proceedings dated 21.6.1995. Thereafter, the petitioner preferred a review and the review authority vide impugned proceedings dated 14.5.1995 by taking a lenient view, modified the punishment of removal and imposed the punishment of postponement of annual increment for a period of two years without cumulative effect and the period from the date of removal to the date of reporting duty be treated as “Not on duty”. Questioning the same, the present writ petition.

Learned counsel for petitioner submitted that the petitioner has a clean record of service, except for the subject accident and the respondent authorities have not considered the same and imposition of punishment of postponement of increments for two years by the review authority is harsh and unjustified.

Per contra, learned Standing Counsel for respondent-corporation submitted that the charge against the petitioner is grave in nature of rash and negligent driving resulting in two casualties and injuries to others. The review authority, having regard to the clean past service of the petitioner has taken a lenient view and modified the order of removal and imposed a minor punishment of postponement of increments for two years and the same cannot be said to be unjust.

The charge against the petitioner relates to rash and negligent driving of the bus resulting in two casualties and grave injuries to others. The Review authority, by taking into consideration the past service of petitioner and by taking a lenient view, has modified the order of removal and imposed the minor punishment of postponement of increments for a period of two years and the same cannot be said to be disproportionate. No exception can be taken thereto by this Court, more so having regard to the judgment of the apex Court in **Regional Manager, Rajasthan SRTC v. Sohan Lal**, wherein it was held that it is not within the normal jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any

ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

At this stage, learned counsel for petitioner submitted that the petitioner was already retired from service on attaining the age of superannuation and due to pendency of the present writ petition the increments to which the petitioner is entitled in terms of the impugned proceedings dated 14.5.1995 were not granted and prayed that respondents may be directed to settle the same. Hence, the respondents are directed to settle the retirement benefits of the petitioner expeditiously.

Subject to above observation, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

26.12.2005

TVK/NSR